UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD BALDWIN, and LAURA BALDWIN

Plaintiffs,

vs. Case No.: 14-cv-02346-WJN

MONTEREY FINANCIAL SERVICES, INC.

Defendant.

DEFENDANT MONTEREY FINANCIAL SERVICES, INC.'S
MOTION FOR RECONSIDERATION

AND NOW comes Defendant Monterey Financial Services, Inc. ("Monterey"), by and through its undersigned counsel, who respectfully moves this Honorable Court to reconsider its Order denying Monterey's motion for summary judgment on Plaintiffs' first cause of action alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA") and on reconsideration an order dismissing Plaintiff's first cause of action.

For the reasons set forth in the accompanying Memorandum of Law, the record establishes that the Court's Decision and Order (Docs. 38-39) relied on a clear error of law when it found an issue of fact exists as to whether the Plaintiffs revoked their prior express consent to be contacted by Monterey. Specifically, the Court has overlooked well-settled case law (some of which was decided after

Monterey moved for summary judgment) that revocation requires an affirmative act that clearly expresses a desire not to receive further phone calls. As such, Monterey is entitled to judgment as a matter of law, and Plaintiffs' first cause of action should have been dismissed with prejudice.

WHEREFORE, Defendant Monterey Financial Services, Inc. respectfully requests that this Honorable Court enter an Order granting its Motion for Reconsideration and upon reconsideration, an Order dismissing Plaintiffs' Complaint with prejudice.

DATED: October 20, 2016

Respectfully submitted,

Lippes Mathias Wexler Friedman LLP

/s Brendan H. Little
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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2016, I electronically filed the foregoing Motion for Reconsideration via the CM/ECF system, which should then send notification of such filing to all counsel of record.

s/ Brendan H. Little
Brendan H. Little